

Assembly Bill No. 1661

CHAPTER 816

An act to add Article 2.4.5 (commencing with Section 53237) to Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, relating to local government.

[Approved by Governor September 29, 2016. Filed with
Secretary of State September 29, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1661, McCarty. Local government: sexual harassment prevention training and education.

Existing law requires all local agency officials to receive training in ethics, at specified intervals, if the local agency provides any type of compensation, salary, or stipend to those officials. Existing law also requires any civil or political subdivision of the state and all cities to provide at least 2 hours of training and education regarding sexual harassment to all supervisory employees, as specified.

This bill would additionally require local agency officials, as defined, to receive sexual harassment prevention training and education if the local agency provides any type of compensation, salary, or stipend to those officials, and would allow a local agency to require employees to receive sexual harassment prevention training or information. The bill would also require an entity that develops curricula to satisfy this requirement to consult with the city attorney or county counsel regarding the sufficiency and accuracy of that proposed content.

The people of the State of California do enact as follows:

SECTION 1. Article 2.4.5 (commencing with Section 53237) is added to Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 2.4.5. Sexual Harassment Prevention Training and Education

53237. For the purposes of this article, the following terms have the following meanings:

(a) "Local agency" means a city, county, city and county, charter city, charter county, charter city and county, or special district.

(b) "Local agency official" means any member of a local agency legislative body and any elected local agency official.

53237.1. (a) If a local agency provides any type of compensation, salary, or stipend to a local agency official of that agency, then all local agency officials of that agency shall receive sexual harassment prevention training and education pursuant to this article. A local agency may also require any of its employees to receive sexual harassment prevention training and education pursuant to this article.

(b) Each local agency official, or employee who is so required, shall receive at least two hours of sexual harassment prevention training and education within the first six months of taking office or commencing employment, and every two years thereafter.

(c) An entity that develops curricula to satisfy the requirements of this section shall consult with the city attorney or county counsel regarding the sufficiency and accuracy of that proposed content. An entity is permitted to include local sexual harassment prevention training and education policies in the curricula.

(d) The training and education required by this section shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against, and the prevention and correction of, sexual harassment and the remedies available to victims of sexual harassment in employment. The training and education shall also include practical examples aimed at instructing the local agency official in the prevention of sexual harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of sexual harassment, discrimination, and retaliation.

(e) A local agency or an association of local agencies may offer one or more training courses, or sets of self-study materials with tests, to meet the requirements of this section. These courses may be taken at home, in person, or online.

(f) All providers of training courses shall provide participants with proof of participation to meet the requirements of this article.

(g) A local agency shall provide a recommendation on training available to meet the requirements of this article to its local agency officials and its employees at least once in written form before assuming a new position and every two years thereafter.

(h) A local agency official who serves more than one local agency shall satisfy the requirements of this article once every two years without regard to the number of local agencies he or she serves.

53237.2. (a) A local agency that requires its local agency officials or employees to complete the sexual harassment prevention training and education prescribed by this article shall maintain records indicating both of the following:

(1) The dates that local agency officials or employees satisfied the requirements of this article.

(2) The entity that provided the training.

(b) Notwithstanding any other law, a local agency shall maintain these records for at least five years after local agency officials or employees receive the training. These records are public records subject to disclosure

under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

53237.5. The requirements of this article are in addition to any other law requiring similar or related training, and nothing in this article shall be construed to supersede the requirements of Section 12940 or 12950.1.

SEC. 2. The Legislature finds and declares that all employees should have the same opportunity to work in a safe and harassment-free environment and therefore, sexual harassment prevention training and education for all local agency officials is a matter of statewide concern and not merely a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this act shall apply to charter cities, charter counties, and charter cities and counties. The Legislature finds and declares that there have been incidents in which the employees of local governments have been sexually harassed by their colleagues. The Legislature further finds and declares that the harassment of local government employees by their colleagues can be prevented if local governments provide training and educating to their employees.